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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 UNITED STATES OF AMERICA,

9 Plaintiff,

10 v.

11 TIMOTHY SMITH,

12 Defendant.

Case No. 19-563 MLP

DETENTION ORDER

13
14 Offenses charged:

15 Count 1: Sex with Person Less Than 12 Years Old, 18 U.S.C. § 2241(c)

16 Date of Detention Hearing: November 22, 2019

17 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and
18 based upon the reasons for detention stated on the record and as set forth below, finds:

19 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

- 20 1. There is a rebuttable presumption that no conditions or combination of conditions
21 will reasonably assure the appearance of the Defendant and the safety of the
22 community pursuant to 18 U.S.C. § 3142(e) because Defendant is charged with an
23 offense involving a minor victim under section 2241.

2. The Court finds that the Defendant has met his burden of rebutting the presumption, but the Court is not satisfied that there are sufficient conditions to assure the Defendant's appearance or the safety of the community.
3. Defendant does not appear to have ever had contact with law enforcement and is now charged with a crime that carries a 30-year mandatory minimum sentence and a sentence of up to life. The Court is concerned that the Defendant will not appear in the Western District of Missouri to face these charges.
4. Defendant has no criminal history and is 55 years old. He has strong ties to the community and, until recently, had stable residence and employment in the jurisdiction. The Court therefore finds that the history and characteristics of the Defendant weigh in favor of release.
5. The nature and circumstances of the offense involve serious allegations of seven years of sexual abuse of a child under the age of twelve. Defendant is alleged to have deleted evidence of the crime and also allegedly requested that the victim do the same. Defendant was interviewed regarding the allegations and admitted to some of the allegations while attempting to minimize them. The Court therefore finds that nature and circumstance of the offense and the weight of the evidence weigh in favor of detention.
6. The nature and seriousness of the danger to other children or persons in the community weighs in favor of detention.
7. There does not appear to be any condition or combination of conditions that will reasonably assure the defendant's appearance at future court hearings while addressing the danger to other persons or the community.

1 IT IS THEREFORE ORDERED:

- 2 (1) Defendant shall be detained pending trial, and committed to the custody of the
3 Attorney General for confinement in a correction facility separate, to the extent
4 practicable, from persons awaiting or serving sentences or being held in custody
5 pending appeal;
- 6 (2) Defendant shall be afforded reasonable opportunity for private consultation with
7 counsel;
- 8 (3) On order of a court of the United States or on request of an attorney for the
9 government, the person in charge of the corrections facility in which defendant is
10 confined shall deliver the defendant to a United States Marshal for the purpose of
11 an appearance in connection with a court proceeding; and
- 12 (4) The Clerk shall direct copies of this Order to counsel for the United States, to
13 counsel for the defendant, to the United States Marshal, and to the United States
14 Pretrial Services Officer.

15 Dated this 22nd day of November, 2019.

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18 MICHELLE L. PETERSON
19 United States Magistrate Judge
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